IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 6134 of 2004(E)

PETITIONER:

Y.PRASANNA THANKACHY, HEADMISTRESS,
GOVT. LOWER PRIMARY SCHOOL, MUKKETHUKDAVU,
MANNUR P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.K.JAJU BABU,
SMT.M.U.VIJAYALAKSHMI.

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.**
2. **THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.**
3. **THE DEPUTY ACCOUNTANT GENERAL (CIVIL) KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. K.V. SANTHOSHKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6134/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. A2.3000/01 (1) DTD. 06/06/2002 ISSUED BY THE R.2.

EXT.P.2: COPY OF THE JUDGMENT DTD. 10/10/03 IN W.P.(C). NO. 28831/2003 OF THIS HONOURABLE COURT.

EXT.P.3: COPY OF THE OBJECTION ON THE LOCAL AUDIT OF THE ACCOUNTS AND REGISTERS OF THE A.D.O., FEROKE FOR THE PERIOD FROM 01/08/2001 TO 31/03/2003.

EXT.P.4: COPY OF THE SENIORITY LIST OF P.D TEACHERS VIDE ORDER NO. L. DIS. 22774/82 DTD. 07/12/82 ISSUED BY THE R.2.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 6134 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

This writ petition is filed with the following prayer.

> i) issue a writ of certiorari or other appropriate writ, order or direction, calling for Ext. P3 and quash the objection against fixation of pay of the petitioner in the scale of Headmaster with effect from 14.06.2002.

2. It is seen from the counter affidavit that as per G.O. (P) No. 938/2001/Fin. dated 31.07.2001, High School Assistants are not eligible for Higher Grade reckoning their primary service with effect from 18.11.1993.

3. It is submitted that in view of the decision of this Court reported in ***Secretary to Government v. Mary*** **(2004(2) KLT 1090)**, the petitioner is entitled to succeed. It is for the petitioner to approach the Government, on all available grounds including the above decision. Hence, this writ petition is disposed of as follows.

In the event of the petitioner approaching the first respondent within two months from today along with a copy of the judgment referred to above, appropriate action in accordance with law in the matter will be taken by the first respondent, within another three months.

KURIAN JOSEPH, JUDGE.

smp